

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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QIANG LU <i>et al.</i> ,	:
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Plaintiffs,	:
	:
-v-	:
	:
PURPLE SUSHI, INC. <i>et al.</i> ,	:
	:
Defendants.	:
	:
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JOHN P. CRONAN, United States District Judge:

Plaintiffs Qiang Lu, Yongbing Qi, and Zhenhua Duan filed the Complaint in this action on June 27, 2019. Dkt. 1. On July 24, 2019, requests for waiver of service were mailed to Defendants Purple Sushi, Inc. and Xing Chen (the “Purple Sushi Defendants”) at 483 Columbus Avenue, Front 2, New York, NY 10024. Dkts. 12, 18. On August 28, 2019, Leon K. Luk entered a notice of appearance on behalf of the Purple Sushi Defendants. Dkts. 24-26. Mr. Luk continued to represent those Defendants as this action proceeded through discovery, motion practice, and settlement negotiations. *E.g.*, Dkts. 49, 83. On May 11, 2022, Mr. Luk filed a motion to withdraw as attorney, Dkt. 96, on the grounds that the Purple Sushi Defendants were seriously in arrears on their attorneys’ fees and no longer wished to defend this action, Dkt. 97, ¶ 3. The Court granted that motion on June 1, 2022. Dkt. 103. Its Order granting Mr. Luk’s motion to withdraw further ordered the Purple Sushi Defendants to file a status letter indicating whether they intended to retain counsel to represent them in this case, *id.* at 1, and warning both Purple Sushi and Mr. Chen that their continued failure to appear might result in the entry of a default judgment against them. *Id.* at 1-2. Since Mr. Luk withdrew, no other attorney has entered an appearance on the docket on behalf of the Purple Sushi Defendants, nor have any of them appeared *pro se*.

At a final pre-trial conference held on Tuesday, August 16, 2022 (which was attended by the other Defendants in this case for whom trial is set to commence on August 22, 2022), Plaintiffs indicated their intent to move for default judgment against the Purple Sushi Defendants. It is hereby ORDERED that no later than September 6, 2022, Plaintiffs shall move for default judgment as to the Purple Sushi Defendants, in accordance with Local Civil Rule 55.2 and 3.D of the Court's Individual Rules and Practices for Civil Cases. Pursuant to this Court's Individual Rules, Plaintiffs must serve their motion for default judgment and supporting paperwork on the Purple Sushi Defendants by September 6, 2022, and must file an Affidavit of Service on ECF by September 6, 2022. The Purple Sushi Defendants shall file any opposition to the motion for default judgment no later than September 20, 2022. Plaintiffs shall file any reply no later than September 27, 2022.

It is further ORDERED that the Purple Sushi Defendants appear and show cause at a hearing before this Court on September 29, 2022, at 10:00 a.m., why an order should not be issued granting a default judgment against them. That hearing shall take place telephonically. At the scheduled time, counsel for all parties should call (866) 434-5269, access code 9176261. In the event that the Purple Sushi Defendants do not appear, Plaintiffs' counsel should be prepared to discuss any communications with the Purple Sushi Defendants or representatives for the Purple Sushi Defendants regarding their litigation and any intent to challenge the suit, including discussions about the alleged illegal conduct prior to the filing of the lawsuit; how the Purple Sushi Defendants were served with the Summons and Complaint and this Order; why Plaintiffs' counsel is confident that the Purple Sushi Defendants have been served with those documents and have notice of the hearing; and the method for calculating damages.

It is further ORDERED that Plaintiffs serve the Purple Sushi Defendants by e-mail and by overnight mail within one week of the date of this Order. Within two business days of service, Plaintiffs must file proof of such service on the docket.

SO ORDERED.

Dated: August 22, 2022
New York, New York



JOHN P. CRONAN
United States District Judge